



Atty Docket No. 011823-004012US

TO FAX NO.: 703/746-4000

ATTENTION: ISSUE FEE BRANCH

OFFICIAL COMMUNICATION**FOR THE ATTENTION OF****ISSUE FEE BRANCH****CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of Man Sung Co, et al., Application No. 10/084,825, filed February 25, 2002 for INCREASING ANTIBODY AFFINITY BY ALTERING GLYCOSYLATION OF IMMUNOGLOBULIN VARIABLE REGION are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Issue Fee transmittal Part B (1 pg)
2. Terminal Disclaimer (1 pg)
3. Fee transmittal sheet (1 pg)
4. Communication re Terminal Disclaimer (2 pgs)

Number of pages being transmitted, including this page: (6)

Dated: July 6, 2005

Susan J. Johnson

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 650-326-2400
Fax: 650-326-2422

60531562 v1

O I P E
JCT
JUL 06 2005
MAILED
U.S. PATENT AND TRADEMARK OFFICE

Effective on 12/08/2004.
Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEET TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130)

Complete If Known	
Application Number	10/084,825
Filing Date	February 25, 2002
First Named Inventor	Co, Man Sung
Examiner Name	Larry Helms
Art Unit	1642
Attorney Docket No.	011823-004012US

METHOD OF PAYMENT (check all that apply)

- Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments
 under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

FEES CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
-20 or HP =	x	=				

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
-3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Terminal Disclaimer

130

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 37,505	Telephone 650-328-2400
Name (Print/Type)	Joe Liebeschuetz		Date 7/6/05

60531465 v1



2005 TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional)
011823-004012

TRADEMADE Application of: Man Sung Co, et al.

Application No.: 10/084,825

Filed: 02/25/2002

For: INCREASING ANTIBODY AFFINITY BY ALERTING GYCOSYLATION OF IMMUNOGLOBULIN VARIABLE REGION

The owners*, Protein Design Labs, Inc. of Fremont, CA, and Memorial Sloan Kettering Cancer Center of New York, NY, collectively the owner of 100% of the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term prior patent No. US 6,350,861 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. _____

Signature

July 6, 2005
Date

Joe Liebeschuetz
Typed or printed name

650/326-2400
Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.



I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-703/746-4000 on July 6, 2005

TOWNSEND and TOWNSEND and CREW LLP

By:

Susan J. Johnson

PATENT
Docket No.: 011823-004012US
Client Ref. No.: 004012 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Man Sung Co, et al.

Patent No.:

Issued:

Application No.: 10/084,825

Filed: February 25, 2002

For: INCREASING ANTIBODY AFFINITY BY ALTERING GLYCOSYLATION OF IMMUNOGLOBULIN VARIABLE REGION

Examiner: Larry Helms

Art Unit: 1642

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants previously filed a terminal disclaimer over US 6,350,861 in the name of Protein Design Labs, Inc. only. This was in error because the present application and US 6,350,861 are jointly assigned to Protein Design Labs, Inc. and Memorial Sloan Kettering Cancer Center.

A supplemental terminal disclaimer is now provided in the names of both assignees.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650/326-2400.



Man Sung Co, et al.
Application No.: 10/084,825
Page 2

PATENT

Respectfully submitted,


Joe Liebeschuetz
Reg. No. 37,505

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
JOL:sjj

60531341 v1